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Filing Date

November 10, 2003

First Named Inventor

Roundtree

Art Unit

2617

Examiner Name

D'Agosta, Stephen M.

Attorney Docket Number

109927-135179

ENCLOSURES (Check all that apply)☐

Fee Transmittal Form

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Fee Attached

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Amendment/Reply

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After Final

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Affidavits/declaration(s)

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Firm Name

Schwabe, Williamson & Wyatt, P.C.

Signature

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Robert C. Peck

Date

June 7, 2006

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Attorney Reference: 109927-135179
IPG No: P028

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Roundtree et al.

Application No.: 10/705,456

Filed: November 10, 2003

For: PROGRAMMING INTERFACE
LAYER OF A SERVICE
PROVIDER FOR DATA
SERVICE DELIVERY

Examiner: D'Agosta, Stephen M.

Art Unit: 2617 Conf. No. 6697

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REPLY TO EXAMINER'S ANSWER

Dear Sir:

Appellants respectfully reply to the Examiner's answer as follows:

(A) In "Response to Argument," part a, the Examiner notes that Applicants did not address the double patenting rejection in the Appeal Brief and assumes that the Applicants will provide a terminal disclaimer. If the appeal process terminates with a holding that Applicant's claims are allowable in their current form, Applicants will provide the Examiner with a terminal disclaimer.

(B) In "Response to Argument," part b, item 1, the Examiner notes that the terms "generic executable service functions," "processing function-specific parameters," "associated with one of said generic service functions," and "generating a function-specific response from one of said generic service functions" are "highly interpretable." The Examiner further asserts that the Applicants are

“shrouding themselves in highly generic language in the hopes that it will obfuscate the [E]xaminer’s ability to fully understand the invention and thereby provide relevant prior art.”

Applicants readily acknowledge the broad meanings of the above terms. In selecting the above mentioned terms, Applicants did not intend to “shroud themselves in highly generic language” or “obfuscate the Examiner’s ability” to find relevant prior art. Applicants simply chose broad terms with definite meanings so as to broadly claim the invention. Ample illustration of the meanings of the above terms is provided by the Specification of the present Application.

(C) In “Response to Argument,” part b, item 2, the Examiner asserts that Applicants do not provide “technical details as to how the interworkings of the prior art do not combine to arrive at the claimed invention.” The Examiner further states that Applicants simply point out that the prior art does not recite the “same” words.

Applicants respectfully disagree with the Examiner’s characterization of Applicants’ argument. While the prior art does not recite the same words as the claimed invention, such an argument is not the focus of the Appeal Brief, and is certainly not a sufficient response to an obviousness rejection. Rather, Applicants do provide technical details as to how the prior art does not arrive at the claimed invention (see page 5, last paragraph, through page 7, second paragraph). The essential differences between the claimed invention and the prior art are noted by Applicants on page 6, first paragraph: “This architecture [(the architecture of claim 3)] provides a number of advantages, among them, isolation of an authentication function (‘the parameter processing module for processing function-specific parameters, including device information for a wireless mobile device’), and consolidation of device dependent programming (response generating module).” As illustrated by Applicants’ Appeal Brief, the prior art simply does not combine to arrive at these novel features.

(D) In “Response to Argument,” part b, items 3 and 4, the Examiner characterizes Applicants’ claim 3 and provides his interpretation of the teachings of the combined prior art. Applicants respectfully disagree with the Examiner’s characterization of claim 3.

First, in summarizing claim 3 (mistakenly referred to by the Examiner as “claim 1”), the Examiner notes that claim 3 discloses a computer with processor and memory comprising “i) instructions for a programming interface to deliver data, ii) generic executable functions, iii) a parameter processing module that processes function-specific parameters and iv) response generating module that generates responses based on the parameters inserted into the executable functions (eg. by the user).” There are a number of problems with this summary. First, as recited by claim 3, the generic executable functions and parameter processing and response generating modules are included in the programming interface layer. The Examiner’s summary makes the functions and modules appear to be parallel components separate from the programming interface layer. The functions and modules are not parallel and separate components, however, but are part of the programming interface layer, and are novel in the context of that layer. Thus, claim 3 recites an apparatus with a novel programming interface layer, that layer including generic executable functions and parameter processing and response generating modules. Second, nothing in claim 3 recites that responses generated by the response generating module are based on parameters inserted by users. While device information may be provided by a user of a wireless device (or a framework server, as is shown in Figure 4 of the present Application), no such limitation is recited by claim 3.

Second, in the first paragraph on page 5, the Examiner asserts that one skilled in the art would conclude that claim 3 describes a software system whereby a users interacts with a generic program to fill in parameters to have the software

program send back a response. Applicants respectfully disagree. In its current form, claim 3 does not require users to input any information. The device information for a wireless mobile device that is included as a function-specific parameter need not be entered by a user. Instead, as illustrated in the Specification of the present Application (see Fig. 4 and corresponding description), the device information may be provided by a framework system server. What the Examiner has described is the user's perspective of the functioning of the overall framework system described by the Specification of the present Application. Claim 3 does not cover the entire framework system. Claim 3 covers only the programming interface layer of that system, which facilitates vendors in delivering solutions to wireless clients. As Figure 4 of the present Application demonstrates, the framework system requires numerous other components not claimed in claim 3. Accordingly, one skilled in the art would not perceive in claim 3 a generic I/O (input/output) program for a user, as the Examiner asserts.

Third, the Examiner asserts in the second paragraph of page 5 that a software development tool could read on the programming interface layer recited by claim 3. Applicants respectfully disagree. As recited by claim 3, the programming interface layer must include generic executable service functions callable by any of a plurality of vendors, to facilitate the vendors in delivering services. While a software development tool may produce such functions, the functions it produces would not be an included part of the tool. Further, there is absolutely no support in the Specification for such an analogy. Instead, the exemplary programming interface layer provided by the Specification is an API (Application Programming Interface), discussed on at least page 31. Such an API would not be understood by one skilled in the art as a software development tool.

Fourth, on pages 6 and 7, the Examiner quotes his obviousness rejection of claims 3, 7, 11, and 15 from his final Office Action. While the Examiner arguably

finds support for a programming interface layer that includes generic executable service functions in Shapiro (i.e., CGI Script), the Examiner fails to provide any support for the parameter processing module and the response processing module recited by claim 3. The limitations of claim 3 reciting those modules are not duplicated and discussed in either the final Office Action or, consequently, the Examiner's Answer.

Even if we assume, for the sake of argument, that callable CGI scripts of Shapiro read upon a programming interface layer having generic executable service functions, callable CGI scripts do not include parameter processing and response generating modules. CGI scripts simply form a generic web server API. That generic web server API, whether NSAPI, ISAPI, or some other generic web server API based on CGI Scripts, does not inherently include the parameter processing module and response generating module claimed by claim 3. More importantly, Shapiro does not suggest or contemplate enhancing NSAPI or ISAPI with a parameter processing module or a response generating module. Shapiro is concerned with automatically creating information useable to access functionality of a backend computer system. The CGI Scripts discussed by Shapiro are not involved in this endeavor but, rather, provide an exemplary method, well known in the art, for application servers of the backend to communicate with the web server, well after the system has automatically created the information. As such, the CGI discussed by Shapiro is simply CGI as it is ordinarily used in the art. Thus, no enhancement of CGI is contemplated because the use of CGI is only incidental to the information creation system taught by Shapiro.

Additionally, neither Fischer nor Jones teaches or suggests the parameter processing and response generating modules. Fischer simply teaches an API that arguably reads on a programming interface layer. Jones, as recognized by the Examiner in his answer, was provided to disclose a limitation of the now cancelled

claim 1. That limitation is not present in any of claims 3-21. Accordingly, Applicants submit that Jones is irrelevant to this appeal.

Fifth, on pages 7 and 8, the Examiner “puts forth his interpretation of combined prior art.” Fischer and Jones are referred to in passing as providing “additional support” for the terms/phrases recited in the claims. Shapiro is summarized as teaching

“a user connecting to a web server . . . whereby the web server would run an executable program/service function and display a ‘fill in the blank’ web page (eg. to buy a product and/or apply for new service). After filling in the blanks, the web server will read the parameters filled-in by the user and pass them to the backend application servers and database These servers will process the parameters (which are function-specific to that program) and generate a response (eg. answer). This response will be sent back to the user (eg. your order has been accepted and/or your new service will start in 1 day).”

Even assuming that the Examiner has correctly characterized Shapiro (Applicants stand by the characterization of Shapiro they have provided in their Appeal Brief, page 6), Shapiro still does not teach or suggest a parameter processing module or a response generating module, as is claimed in claim 3. The parameter processing and response generating cited above, performed by the application servers of Shapiro, are not performed by modules of the only programming interface layer arguably taught by Shapiro: the generic web server API based on CGI scripts. The above cited parameter processing and response generating are not included in any CGI-based API, nor in any other sort of API that also includes generic executable functions callable by a plurality of vendors.

Accordingly, Shapiro, Fischer, and Jones fail entirely to suggest the isolation of an authentication function and consolidation of device dependent programming

provided by the parameter processing module and response generating module of claim 3, respectively. Thus, claim 3 is patentable over the cited prior art under 35 U.S.C. §103(a).

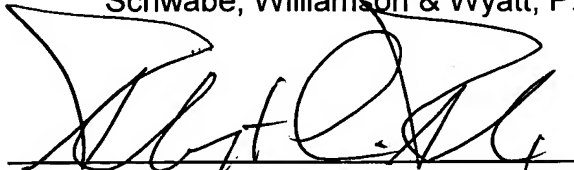
(E) In "Response to Argument," part b, item 5, the Examiner finds "claims 18-22 contained novel material." In Applicants' Response to Final Office Action, mailed January 3, 2006, Applicants requested clarification regarding the status of claims 18-21 (there is no claim 22). In his final Office Action, the Examiner both objected to claims 18-21 as containing novel material, and found the claims to contain allowable subject matter, if amended to include the recitations of the rejected base claims. It appears from part b, item 5 of the Examiner's Answer that the Examiner has chosen to maintain his objection. Accordingly, to overcome the objection, Applicants direct the Board's attention at least to page 11, lines 26-30 and Table 2 on page 22 of the present Application.

Conclusion

As Applicant has set forth in the brief, the Examiner has erred in his rejections. Accordingly, Applicant respectfully requests that the Board reverse the Examiner's rejections.

Please charge any shortages and credit any overages to Deposit Account No. 500393.

Respectfully submitted,
Schwabe, Williamson & Wyatt, P.C.

A handwritten signature in black ink, appearing to read "Robert C. Peck", is written over a horizontal line.

Robert C. Peck, Reg. No. 56,826
Agent for Appellant

Date: June 7, 2006

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